

ALLOWANCE

Acknowledgements

1. This action is responsive to Applicants' amendments received 23 March 2009.
2. This action has been assigned paper number 20100326 for reference purposes only.
3. Claims 1, 2, 5, 7-12, 15, 17-22, 25, 27-32, 35, 37-45 are pending.
4. Claims 1, 2, 5, 7-12, 15, 17-22, 25, 27-32, 35, 37-45 have been examined.
5. Claim 45 is amended by the Examiner as indicated below.
6. Claims 1, 2, 5, 7-12, 15, 17-22, 25, 27-32, 35, 37-45 are allowed.

Examiner's Amendment

7. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
8. Authorization for this Examiner's amendment was given in a telephonic interview with Kevin Zilka (USPTO Registration No. 41,429) on or about 25 March 2010.
9. The application has been amended one (1) time as follows:

A) In claim 45, line 1, after "claim" delete "4" and replace it with --1--.

Reasons for Allowance

10. The following is the Examiner's statement of reasons for allowance.

11. Regarding the claimed terms, the Examiner notes that a “general term must be understood in the context in which the inventor presents it.” *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-12 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term “is susceptible to various meanings, . . . the inventor’s lexicography must prevail . . .” *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

12. The primary reference Eglen (U.S. 2003/0023505) discloses as previously discussed. Eglen however does not teach at least “wherein receipt of said data indicating sale of said licence ticket triggers said supplier of said computer program product to charge said seller for a licence to use said computer program product” and “validating said licence key sent to said download source computer based on said transmitting of said licence key, utilizing said download source computer, wherein said receipt of said data indicating sale of said licence ticket validates said licence key associated with said licence ticket such upon subsequent receipt of said licence key at said download source computer said licence key will be treated as valid.” Moreover, the missing claimed elements from Eglen are not found in a reasonable number of references. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these missing elements in an embodiment in the Eglen disclosure because: the serial number in Eglen is the validation and does not require validation itself.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

16. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Joshua Murdough
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621